

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HAL DURHAM,

Case No. 20-CV-1250 (NEB/BRT)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

TRUMBULL MEMORIAL HOSPITAL,
MIDMARK DIAGNOSTICS GROUP, DR.
LARRY WOODS, D.O, JOHN R.
BECKER, M.D., HOLLY MARTINEZ,
D.O. JOHN AND JANE DOES #1–10 et
al, and UNITED STATES,

Defendants.

The Court has received the June 11, 2021 Report and Recommendation of United States Magistrate Judge Becky R. Thorson. (ECF No. 75.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam).

Having accepted Judge Thorson’s recommendation to dismiss the case, Defendant Larry Woods, D.O.’s Rule 12(b) Motion to Dismiss (ECF. No. 79) is hereby moot.

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 75) is ACCEPTED;

2. Defendant United States' Motion to Dismiss and/or for Summary Judgment (Doc. No. 48) is GRANTED, and Durham's claims against the United States are DISMISSED WITH PREJUDICE;
3. Defendant Midmark Corporation d/b/a Midmark Diagnostic Group's Motion for Summary Judgment (Doc. No. 61) is GRANTED, and Durham's claims against the Midmark Corporation are DISMISSED WITH PREJUDICE;
4. Plaintiff's Motion to Make More Certain (Doc. No. 73) is DENIED AS MOOT;
5. Defendant Larry Woods, D.O.'s Rule 12(b) Motion to Dismiss (ECF. No. 79) is DENIED AS MOOT; and
6. Plaintiff Hal Durham's Complaint (Doc. No. 1) is DISMISSED WITHOUT PREJUDICE as to all remaining Defendants.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 16, 2021

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge